

ORIGINAL

ILLINOIS
COMMERCE
COMMISSION

STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS

Nov 1 9 43 AM '01

BEFORE THE

CHIEF OF CLERK'S OFFICE

Illinois Commerce Commission

DOCKET NO. 01 - 0562

IN THE MATTER OF:

MIDWEST GENERATION, LLC

VS.

COMMONWEALTH EDISON COMPANY

PLACE: Chicago, Illinois

DATE: October 29, 2001

PAGES: 14 - 18

SULLIVAN REPORTING COMPANY

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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
MIDWEST GENERATION, LLC,)
vs.) No. 01-0562
COMMONWEALTH EDISON COMPANY)
COMPLAINT as to unjust,)
unreasonable and)
anti-competitive energy and)
capacity charge for station)
power, request for refunds,)
with interest, and for)
other relief.)

Chicago, Illinois
October 29, 2001

Met, pursuant to notice, at 11:00 o'clock a.m.

BEFORE:

MR. DAVID GILBERT,
Administrative Law Judge

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APPEARANCES:

SONNENSCHN, NATH & ROSENTHAL, by
MR. JOHN E. ROONEY and
MR. MICHAEL GUERRA
233 South Wacker Drive, Suite 8000
Chicago, Illinois 60606
-and-
MR. PAUL GRACEY
General Counsel
appearing for Midwest Generation, LLC;

FOLEY & LARDNER, by
MR. E. GLENN RIPPPIE
Three First National Plaza, Suite 4100
Chicago, Illinois 60602
appearing for
Commonwealth Edison Company;

MR. PETER THORNTON
Assistant General Counsel
10 South Dearborn Street, Suite 3500
Chicago, Illinois 60603
appearing for
Commonwealth Edison Company;

MR. JOHN J. REICHART
160 North LaSalle Street
Chicago, Illinois 60601
-and-
MR. STEVEN L. MATRISCH
527 East Capitol Avenue
Springfield, Illinois 62701
appearing telephonically for staff,
Illinois Commerce Commission.

SULLIVAN REPORTING COMPANY, by
Leah Ann Bezin, CSR
License No. 084-001104

1 JUDGE GILBERT: Pursuant to the authority of the
2 Illinois Commerce Commission, I now call Docket
3 No. 01-0562.

4 If I could have the appearances
5 for the record, please, beginning with the
6 complainant.

7 MR. ROONEY: On behalf of Midwest
8 Generation LLC, John Rooney and Michael Guerra of
9 the firm of Sonnenschein, Nath & Rosenthal, 233
10 South Wacker Drive, Suite 8000, Chicago, Illinois
11 60606.

12 And Paul Gracey, General Counsel
13 for Midwest Generation LLC.

14 MR. RIPPPIE: On behalf of the respondent,
15 Commonwealth Edison Company, Glenn, two "n's,"
16 Rippie, R-i-double-p, as in "Peter," i-e, of the
17 firm of Foley & Lardner, Three First National
18 Plaza, Chicago, Illinois 60602.

19 MR. THORNTON: Also appearing for Commonwealth
20 Edison, Peter Thornton, Assistant General Counsel
21 of Exelon Business Services Company, 10 South
22 Dearborn, Suite 3500, Chicago, Illinois 60603.

1 MR. REICHART: John Reichart and Steve Matrisch
2 appearing on behalf of the staff of the Illinois
3 Commerce Commission, 160 North LaSalle Street,
4 Chicago, Illinois 60601.

5 JUDGE GILBERT: We had an off-the-record
6 discussion concerning some additional filings and
7 scheduling of those filings.

8 Midwest has requested leave to amend
9 their complaint. I will grant that leave.

10 The amended complaint should be
11 filed by the close of business on November the 9th.

12 Commonwealth Edison can file an amended
13 answer and any associated motions on or at the
14 close of business by -- I'm sorry -- on November
15 28th.

16 And I will have a status on December 5th
17 at 1:00 p.m.

18 Is there anything else anyone wants to
19 discuss on the record today?

20 (No response.)

21 JUDGE GILBERT: Okay.

22 Thank you very much. I'll see you on

1 the 5th.

2 MR. ROONEY: Thank you.

3 MR. REICHART: Thank you.

4 (Whereupon, the above-entitled matter
5 was continued to December
6 5, A.D., 2001, at 1:00
7 o'clock p.m.)
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CERTIFICATE OF REPORTER

STATE OF ILLINOIS)
COUNTY OF COOK) SS:
CASE NUMBER , 01-0562
TITLE: Midwest Generation, LLC
vs.
Commonwealth Edison Company

COMPLAINT

I, Leah Ann Bezin, do hereby
certify that I am a court reporter contracted by
SULLIVAN REPORTING COMPANY, of Chicago, Illinois; that
I reported in shorthand the evidence taken and the
proceedings had on the hearing on the above-entitled
case on the 29th day of October A.D.
2001; that the foregoing 5 pages are a true
and correct transcript of my shorthand notes so taken
as aforesaid, and contains all of the proceedings
direct by the Commission or other person authorized
by it to conduct the said hearing to be
stenographically reported.

Dated at Chicago, Illinois, this 30th day of
October A.D. 2001.

Leah Ann Bezin
Reporter.